

JN:JV
F. #2019R00602

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

FRANCO ZOSAYAS-ARELLANO,
also known as
“Franco Zosayos-Arellano,”
“Franco Zosayas” and
“Franco Z. Arellano,”

Defendant.

FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ARREST WARRANT

(8 U.S.C. § 1326(a);
18 U.S.C. §§ 3551 et seq.)

Case No. 21-M-1155

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EASTERN DISTRICT OF NEW YORK, SS:

HENRY TSANG, being duly sworn, deposes and states that he is a Deportation Officer with the United States Department of Homeland Security, Immigrations and Customs Enforcement (“ICE”), duly appointed according to law and acting as such.

On or about February 19, 2019, within the Eastern District of New York and elsewhere, the defendant FRANCO ZOSAYAS-ARELLANO, also known as “Franco Zosayos-Arellano,” “Franco Zosayas” and “Franco Z. Arellano,” being an alien who had previously been excluded, deported or removed from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326; Title 18, United States Code, Sections 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Deportation Officer with the United States Department of Homeland Security, Immigrations and Customs Enforcement, and have been involved in the investigation of numerous cases involving the illegal reentry of aliens.

2. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the ICE investigative file, and from reports of other law enforcement officers involved in the investigation.

3. A review of the defendant FRANCO ZOSAYAS-ARELLANO's immigration records reflects that the defendant, a citizen of Mexico, was removed from the United States on or about December 20, 2018, under the name "Franco Zosayas-Arellano."

4. On or about February 19, 2019, the defendant FRANCO ZOSAYAS-ARELLANO was arrested in Staten Island, New York, for inter alia Rape in the Second Degree: Person 18 Years Old or More Has Intercourse With Person Less Than 15 Years Old, in violation of New York Penal Law 130.30(1), a Class D Felony ("Rape in the Second Degree").

5. On or about June 25, 2021, the defendant FRANCO ZOSAYAS-ARELLANO was convicted of Rape in the Second Degree.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

6. On or about September 10, 2021, the defendant FRANCO ZOSAYAS-ARELLANO was sentenced to a term of 30 months' imprisonment and 10 years' post release supervision.

7. On or about September 1, 2019, a fingerprint analyst conducted by ICE compared the fingerprints of the "Franco Zosayas-Arellano" removed on or about December 20, 2018 to the fingerprints of the "Franco Zosayas" arrested on or about February 19, 2019 and determined that they are the same person, namely the defendant FRANCO ZOSAYAS-ARELLANO.

8. On or about August 26, 2019, an analyst with the Department of Homeland Security performed a search of records relating to the defendant FRANCO ZOSAYAS-ARELLANO and found no records indicating that ZOSAYAS-ARELLANO obtained consent from the Secretary of the Department of Homeland Security to re-apply for admission to the United States.

9. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and arrest warrant. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.


WHEREFORE, your deponent respectfully requests that the defendant FRANCO ZOSAYAS-ARELLANO be dealt with according to law.

IT IS FURTHER REQUESTED that all papers submitted in support of this application be sealed until further order of the Court.



HENRY TSANG
Deportation Officer
United States Department of Homeland Security,
Immigrations and Customs Enforcement

Sworn to before me this
7th day of October, 2021 by telephone



THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK